

Exhibit “B”



HAWAII CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 • PHONE: 586-8636 FAX: 586-8655 TDD: 586-81

February 9, 2004

Mr. Robert Sherez
c/o Andre Wooten, Esq.
1188 Bishop St. Ste. 1909
Honolulu, HI 96813

Dear Mr. Sherez:

Re: HCRC No. 12106, EEOC No. 37B-A4-00285; Robert Sherez vs State of Hawaii,
Department of Education

Please be advised your case has been investigated and a preliminary recommendation for closure has been approved because there was insufficient evidence to substantiate intentional discrimination. If you have discovered new relevant evidence since filing the complaint submit it in writing within seven (7) days from the date of this letter.

The preliminary recommendation was based on the following summary of evidence. You alleged unequal terms and termination due to your sex and retaliation. The investigation determined the Spring 2002 tutoring assignment ended when the school year concluded. You continued to be assigned tutoring classes. It was neither necessary nor appropriate for you to attend an IEP meeting for a special education student. Your tutoring hours for a special education student were continued at fewer hours per week while the student transitioned back to school. You were one of fifty tutors on the Department's alphabetical list of tutors—tutors were selected on a rotational basis and your name hadn't been reached yet. Lastly, you were not terminated at McKinley High School—the teaching assignment ended after 90 instructional hours.

If there is no new evidence or the new evidence doesn't change the recommendation the case will be closed at the end of the seven days. We'll send you a notice of dismissal and right to sue letter by certified mail, which will allow you to proceed on your own (with or without an attorney) in court. We understand your disappointment in the outcome; however, the evidence didn't establish a violation of any law the Commission enforces.

Sincerely,

Kendall E. Kuehn
Investigator IV

EXHIBIT 3